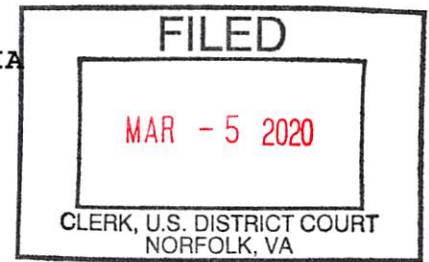


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



STEVEN HOOD, #08248-028,

Petitioner,

v.

Action No. 2:19cv26

MARK BOLSTER,
Acting Warden,

Respondent.

FINAL ORDER

Petitioner Steven Hood ("Hood"), a federal inmate convicted and sentenced in the Southern District of Indiana, and housed in the Federal Correctional Center in Petersburg, Virginia, filed a *pro se* petition, pursuant to 28 U.S.C. § 2241. ECF No. 1. Hood alleges he was denied due process during his disciplinary hearing held December 19, 2012. ECF No. 1 at 2, 6.

The petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The report and recommendation, filed December 3, 2019, recommends that respondent's motion to dismiss be granted, and Hood's petition for a writ of habeas corpus be dismissed with prejudice. ECF No. 17. Each party was advised of the right to

file written objections to the findings and recommendations made by the Magistrate Judge. On January 21, 2020, Hood filed objections to the report and recommendation. ECF No. 20. Respondent responded to the objections on January 30, 2020, and Hood replied to the response on February 7, 2020. ECF Nos. 22, 23.


The Court, having reviewed the record and examined the objections filed by Hood to the report and recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent's motion to dismiss, ECF No. 7, is **GRANTED**, and Hood's petition for a writ of habeas corpus, ECF No. 1, is **DISMISSED WITH PREJUDICE**.

Hood has failed to demonstrate "a substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See *Miller-El v. Cockrell*, 537 U.S. 322, 327, 335-36 (2003).

Hood is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Hood intends to seek a certificate of appealability from the Fourth**

Circuit, he must do so within sixty (60) days from the date of this Final Order. Hood may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.

The Clerk is **REQUESTED** to provide a copy of this Final Order to Hood and to counsel for the respondent. **IT IS SO ORDERED.**



Mark S. Davis
Chief Judge

Mark S. Davis
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
March 4, 2020